

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Elizabeth Feffer

1 Reuben Yeroushalmi (SBN 193981)  
2 Peter T. Sato (SBN 238486)  
3 **YEROUSHALMI & YEROUSHALMI**  
4 An Association of Independent Law Corporations  
5 9100 Wilshire Boulevard, Suite 240W  
6 Beverly Hills, California 90212  
7 Telephone: (310) 623-1926  
8 Facsimile: (310) 623-1930  
9  
10 Attorneys for Plaintiff,  
11 Consumer Advocacy Group, Inc.  
12  
13

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10 CONSUMER ADVOCACY GROUP, INC.,  
11 in the public interest,

12 Plaintiff,

13 v.

14 ROSS STORES, INC., dba DD's  
15 DISCOUNTS, a Delaware Corporation;  
16 ROSS DRESS FOR LESS, INC., a Virginia  
17 Corporation;  
18 ROSS PROCUREMENT, INC., a Delaware  
19 Corporation;  
20 NICOLE MILLER LTD. SOHO, a New  
21 York Corporation;  
22 ENCHANTE ACCESSORIES, INC., a New  
23 York Corporation;  
24 OLIVIA MILLER, INC., a New York  
25 Corporation;  
26 ABG JUICY COUTURE, LLC, a Delaware  
27 Company;  
28 TRI COASTAL DESIGN GROUP, INC., a  
New Jersey Corporation;  
MANN & BROS., INC., dba IMPERIAL  
HANDKERCHIEFS, a New York  
Corporation;  
and DOES 1-120;

Defendants.

CASE NO.

COMPLAINT FOR PENALTY AND  
INJUNCTION

Violation of Proposition 65, the Safe  
Drinking Water and Toxic Enforcement  
Act of 1986 (*Health & Safety Code*, §  
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$25,000)

1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against  
2 defendants ROSS STORES, INC., dba DD's DISCOUNTS, ROSS DRESS FOR LESS, INC.,  
3 ROSS PROCUREMENT, INC., NICOLE MILLER LTD. SOHO, ENCHANTE  
4 ACCESSORIES, INC., OLIVIA MILLER, INC., ABG JUICY COUTURE, LLC, TRI  
5 COASTAL DESIGN GROUP, INC., MANN & BROS., INC., dba IMPERIAL  
6 HANDKERCHIEFS, and DOES 1-120 as follows:

7 **THE PARTIES**

- 8 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an  
9 organization qualified to do business in the State of California. CAG is a person within  
10 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting  
11 as a private attorney general, brings this action in the public interest as defined under  
12 Health and Safety Code section 25249.7, subdivision (d).
- 13 2. Defendant ROSS STORES, INC., dba DD's DISCOUNTS ("ROSS") is a Delaware  
14 Corporation, qualified to do business in Delaware, and doing business in the State of  
15 California at all relevant times herein.
- 16 3. Defendant ROSS DRESS FOR LESS, INC. ("ROSS DRESS") is a Virginia Corporation,  
17 qualified to do business in Virginia, and doing business in the State of California at all  
18 relevant times herein.
- 19 4. Defendant ROSS PROCUREMENT, INC. ("ROSS PROCURE") is a Delaware  
20 Corporation, qualified to do business in Delaware, and doing business in the State of  
21 California at all relevant times herein.
- 22 5. Defendant NICOLE MILLER LTD. SOHO ("NICOLE") is a New York Corporation,  
23 qualified to do business in New York, and doing business in the State of California at all  
24 relevant times herein.
- 25 6. Defendant ENCHANTE ACCESSORIES, INC. ("ENCHANTE") is a New York  
26 Corporation, qualified to do business in New York, and doing business in the State of  
27 California at all relevant times herein.

- 1 7. Defendant OLIVIA MILLER, INC. ("OLIVIA") is a New York Corporation, qualified to  
2 do business in New York, and doing business in the State of California at all relevant  
3 times herein.
- 4 8. Defendant ABG JUKY COUTURE, LLC ("ABG") is a Delaware Company, qualified to  
5 do business in Delaware, and doing business in the State of California at all relevant  
6 times herein.
- 7 9. Defendant TRI COASTAL DESIGN GROUP, INC. ("TRI COAST") is a New Jersey  
8 Corporation, qualified to do business in New Jersey, and doing business in the State of  
9 California at all relevant times herein.
- 10 10. Defendant MANN & BROS., INC., dba IMPERIAL HANDKERCHIEFS ("MANN") is  
11 a New York Corporation, qualified to do business in New York, and doing business in  
12 the State of California at all relevant times herein.
- 13 11. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-  
14 120, and therefore sues these defendants by such fictitious names. Plaintiff will amend  
15 this complaint to allege their true names and capacities when ascertained. Plaintiff is  
16 informed, believes, and thereon alleges that each fictitiously named defendant is  
17 responsible in some manner for the occurrences herein alleged and the damages caused  
18 thereby.
- 19 12. At all times mentioned herein, the term "Defendants" includes ROSS, ROSS DRESS,  
20 ROSS PROCURE, NICOLE, ENCHANTE, OLIVIA, ABG, TRI COAST, MANN, and  
21 DOES 1-120.
- 22 13. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
23 times mentioned herein have conducted business within the State of California.
- 24 14. Upon information and belief, at all times relevant to this action, each of the Defendants,  
25 including DOES 1-120, was an agent, servant, or employee of each of the other  
26 Defendants. In conducting the activities alleged in this Complaint, each of the  
27 Defendants was acting within the course and scope of this agency, service, or  
28

1 employment, and was acting with the consent, permission, and authorization of each of  
2 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
3 were ratified and approved by every other Defendant or their officers or managing agents.  
4 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged  
5 wrongful conduct of each of the other Defendants.

- 6 15. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
7 Defendants was a person doing business within the meaning of Health and Safety Code  
8 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
9 employees at all relevant times.

### 10 JURISDICTION

- 11 16. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
12 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
13 those given by statute to other trial courts. This Court has jurisdiction over this action  
14 pursuant to Health and Safety Code section 25249.7, which allows enforcement of  
15 violations of Proposition 65 in any Court of competent jurisdiction.
- 16 17. This Court has jurisdiction over Defendants named herein because Defendants either  
17 reside or are located in this State or are foreign corporations authorized to do business in  
18 California, are registered with the California Secretary of State, or who do sufficient  
19 business in California, have sufficient minimum contacts with California, or otherwise  
20 intentionally avail themselves of the markets within California through their manufacture,  
21 distribution, promotion, marketing, or sale of their products within California to render  
22 the exercise of jurisdiction by the California courts permissible under traditional notions  
23 of fair play and substantial justice.
- 24 18. Venue is proper in the County of Los Angeles because one or more of the instances of  
25 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
26 because Defendants conducted, and continue to conduct, business in the County of Los  
27 Angeles with respect to the consumer products that are the subject of this action.

## BACKGROUND AND PRELIMINARY FACTS

19. In 1986, California voters approved an initiative to address growing concerns about exposure to toxic chemicals and declared their right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp., Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources from contamination, to allow consumers to make informed choices about the products they buy, and to enable persons to protect themselves from toxic chemicals as they see fit.
20. Proposition 65 requires the Governor of California to publish a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code* § 25249.8. The list, which the Governor updates at least once a year, contains over 700 chemicals and chemical families. Proposition 65 imposes warning requirements and other controls that apply to Proposition 65-listed chemicals.
21. All businesses with ten (10) or more employees that operate or sell products in California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited from knowingly discharging Proposition 65-listed chemicals into sources of drinking water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and reasonable" warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
22. Proposition 65 provides that any person "violating or threatening to violate" the statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7. "Threaten to violate" means "to create a condition in which there is a substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

- 1 23. Plaintiff identified certain practices of manufacturers and distributors of exposing,  
2 knowingly and intentionally, persons in California to the Proposition 65-listed chemicals  
3 to products without first providing clear and reasonable warnings of such to the exposed  
4 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged  
5 in such practice.
- 6 24. On January 1, 1988, the Governor of California added Di(2-ethylhexyl)phthalate  
7 ("DEHP") to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.  
8 27, § 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,  
9 twenty (20) months after addition of DEHP to the list of chemicals known to the State to  
10 cause cancer, DEHP became fully subject to Proposition 65 warning requirements and  
11 discharge prohibitions.
- 12 25. On October 24, 2003, the Governor of California added DEHP to the list of chemicals  
13 known to the State to cause reproductive and developmental toxicity (*Cal. Code Regs.* tit.  
14 27, § 27001(c)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10,  
15 twenty (20) months after addition of DEHP to the list of chemicals known to the State to  
16 cause reproductive and developmental toxicity, DEHP became fully subject to  
17 Proposition 65 warning requirements and discharge prohibitions.
- 18 26. On December 2, 2005, the Governor of California added Di-n-butyl Phthalate ("DBP") to  
19 the list of chemicals known to the State to cause reproductive and developmental toxicity  
20 (*Cal. Code Regs.* tit. 27, § 27001(c)). Pursuant to Health and Safety Code sections  
21 25249.9 and 25249.10, twenty (20) months after addition of DBP to the list of chemicals  
22 known to the State to cause reproductive and developmental toxicity, DBP became fully  
23 subject to Proposition 65 warning requirements and discharge prohibitions.
- 24 27. On December 20, 2013, the Governor of California added Diisononyl Phthalate ("DINP")  
25 to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, §  
26 27001(b)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty  
27 (20) months after addition of DINP to the list of chemicals known to the State to cause  
28

1 cancer, DINP became fully subject to Proposition 65 warning requirements and discharge  
2 prohibitions.

3 **SATISFACTION OF PRIOR NOTICE**

4 28. On or about January 18, 2019, Plaintiff gave notice of alleged violations of Health and  
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
6 private action to NICOLE, ROSS, ENCHANTE, and to the California Attorney General,  
7 County District Attorneys, and City Attorneys for each city containing a population of at  
8 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
9 the product Cosmetic Bags.

10 29. On or about January 18, 2019, Plaintiff gave notice of alleged violations of Health and  
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
12 private action to OLIVIA, ROSS, ROSS DRESS, ROSS PROCURE, and to the  
13 California Attorney General, County District Attorneys, and City Attorneys for each city  
14 containing a population of at least 750,000 people in whose jurisdictions the violations  
15 allegedly occurred, concerning the product Handbags.

16 30. On or about February 4, 2019, Plaintiff gave notice of alleged violations of Health and  
17 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
18 private action to ROSS, ROSS PROCURE, and to the California Attorney General,  
19 County District Attorneys, and City Attorneys for each city containing a population of at  
20 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
21 the product Sandals.

22 31. On or about February 26, 2019, Plaintiff gave notice of alleged violations of Health and  
23 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
24 private action to ROSS, ENCHANTE, and to the California Attorney General, County  
25 District Attorneys, and City Attorneys for each city containing a population of at least  
26 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the  
27 product Notebooks.

1 32. On or about March 28, 2019, Plaintiff gave notice of alleged violations of Health and  
2 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
3 private action to ROSS, TRI COAST, ABG, and to the California Attorney General,  
4 County District Attorneys, and City Attorneys for each city containing a population of at  
5 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
6 the product Jump Ropes.

7 33. On or about March 28, 2019, Plaintiff gave notice of alleged violations of Health and  
8 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
9 private action to ROSS, ROSS DRESS, ROSS PROCURE, and to the California  
10 Attorney General, County District Attorneys, and City Attorneys for each city containing  
11 a population of at least 750,000 people in whose jurisdictions the violations allegedly  
12 occurred, concerning the product Hair Rollers.

13 34. On or about April 5, 2019, Plaintiff gave notice of alleged violations of Health and Safety  
14 Code section 25249.6, concerning consumer products exposures, subject to a private  
15 action to ROSS, ROSS DRESS, ROSS PROCURE, and to the California Attorney  
16 General, County District Attorneys, and City Attorneys for each city containing a  
17 population of at least 750,000 people in whose jurisdictions the violations allegedly  
18 occurred, concerning the product Multi-Purpose Boxes.

19 35. On or about April 5, 2019, Plaintiff gave notice of alleged violations of Health and Safety  
20 Code section 25249.6, concerning consumer products exposures, subject to a private  
21 action to ROSS, ROSS DRESS, ROSS PROCURE, and to the California Attorney  
22 General, County District Attorneys, and City Attorneys for each city containing a  
23 population of at least 750,000 people in whose jurisdictions the violations allegedly  
24 occurred, concerning the product Steering Wheel Covers.

25 36. On or about April 5, 2019, Plaintiff gave notice of alleged violations of Health and Safety  
26 Code section 25249.6, concerning consumer products exposures, subject to a private  
27 action to ROSS, ROSS DRESS, ROSS PROCURE, and to the California Attorney  
28



1 General, County District Attorneys, and City Attorneys for each city containing a  
2 population of at least 750,000 people in whose jurisdictions the violations allegedly  
3 occurred, concerning the product Wallets.

4 37. On or about April 12, 2019, Plaintiff gave notice of alleged violations of Health and  
5 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
6 private action to ROSS and to the California Attorney General, County District  
7 Attorneys, and City Attorneys for each city containing a population of at least 750,000  
8 people in whose jurisdictions the violations allegedly occurred, concerning the product  
9 Booster Cables.

10 38. On or about April 12, 2019, Plaintiff gave notice of alleged violations of Health and  
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
12 private action to ROSS, ROSS DRESS, ROSS PROCURE, and to the California  
13 Attorney General, County District Attorneys, and City Attorneys for each city containing  
14 a population of at least 750,000 people in whose jurisdictions the violations allegedly  
15 occurred, concerning the product Crossbody Bags.

16 39. On or about April 22, 2019, Plaintiff gave notice of alleged violations of Health and  
17 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
18 private action to ROSS DRESS, MANN, and to the California Attorney General, County  
19 District Attorneys, and City Attorneys for each city containing a population of at least  
20 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the  
21 product Steering Wheel Covers.

22 40. Before sending the notices of alleged violation, Plaintiff investigated the consumer  
23 products involved, the likelihood that such products would cause users to suffer  
24 significant exposures to DEHP, DBP, and DINP, and the corporate structure of each of  
25 the Defendants.

26 41. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
27 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for  
28

1 Plaintiff who executed the certificate had consulted with at least one person with relevant  
2 and appropriate expertise who reviewed data regarding the exposures to DEHP, DBP, and  
3 DINP, the subject Proposition 65-listed chemicals of this action. Based on that  
4 information, the attorney for Plaintiff who executed the Certificate of Merit believed  
5 there was a reasonable and meritorious case for this private action. The attorney for  
6 Plaintiff attached to the Certificate of Merit served on the Attorney General the  
7 confidential factual information sufficient to establish the basis of the Certificate of  
8 Merit.

9 42. Plaintiff's notices of alleged violations also included a Certificate of Service and a  
10 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986  
11 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

12 43. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
13 gave notices of the alleged violations to ROSS, ROSS DRESS, ROSS PROCURE,  
14 NIKOLE, ENCHANTE, OLIVIA, ABG, TRI COAST, MANN, and the public  
15 prosecutors referenced in Paragraphs 28-39.

16 44. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
17 any applicable district attorney or city attorney has commenced and is diligently  
18 prosecuting an action against the Defendants.

19 //

20 //

21 //

22 //

23 //

24 //

25 //

**FIRST CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against NICOLE, ROSS, ENCHANTE, and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

**Beauty Accessories**

45. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 44 of this complaint as though fully set forth herein.
46. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Cosmetic Bags, including but not limited to "Nicole miller NEW YORK;" "ENCHANTEACCESSORIES.COM;" "MADE IN CHINA;" "100% Polyvinyl chloride;" "RN# 99605;" "40018267551;" "D1139 C5760" ("Cosmetic Bags").
47. Cosmetic Bags contain DEHP.
48. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Cosmetic Bags within Plaintiff's notice of alleged violations further discussed above at Paragraph 28.
49. Plaintiff's allegations regarding Cosmetic Bags concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b). Cosmetic Bags are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.
50. Plaintiff is informed, believes, and thereon alleges that between January 18, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Cosmetic Bags, which Defendants manufactured, distributed, or

1 sold as mentioned above, to DEHP, without first providing any type of clear and  
2 reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Cosmetic Bags in California. Defendants know and  
4 intend that California consumers will use Cosmetic Bags, thereby exposing them to  
5 DEHP. Defendants thereby violated Proposition 65.

6 51. The principal routes of exposure are through dermal contact and ingestion. Persons  
7 sustain exposures by using, handling, or carrying Cosmetic Bags without wearing gloves  
8 or any or by touching bare skin or mucous membranes with or without gloves after  
9 handling Cosmetic Bags, as well as through direct and indirect hand to mouth contact,  
10 hand to mucous membrane, trans-dermal absorption, or breathing in particulate matter  
11 emanating from the Cosmetic Bags during use, as well as through environmental  
12 mediums that carry the DEHP once contained within the Cosmetic Bags.

13 52. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
14 Proposition 65 as to Cosmetic Bags have been ongoing and continuous, as Defendants  
15 engaged and continue to engage in conduct which violates Health and Safety Code  
16 section 25249.6, including the manufacture, distribution, promotion, and sale of Cosmetic  
17 Bags, so that a separate and distinct violation of Proposition 65 occurred each and every  
18 time a person was exposed to DEHP by Cosmetic Bags as mentioned herein.

19 53. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
21 violations alleged herein will continue to occur into the future.

22 54. Based on the allegations herein, Defendants are liable for civil penalties of up to  
23 \$2,500.00 per day per individual exposure to DEHP from Cosmetic Bags, pursuant to  
24 Health and Safety Code section 25249.7(b).

25 55. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
26 filing this Complaint.

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS, ROSS PROCURE, OLIVIA, and DOES 11-20 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

56. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 55 of this complaint as though fully set forth herein.
57. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Plastic Sequin Handbags, including but not limited to "OLIVIA MILLER Handbags;" "STYLE# OMZ-0823;" "MADE IN CHINA;" "6 57486 52086 9;" "dd's DISCOUNTS;" "D5502 C5520;" "RAINBOW510;" "400179778807" ("Handbags").
58. Handbags contain DEHP.
59. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Handbags within Plaintiff's notice of alleged violations further discussed above at Paragraph 29.
60. Plaintiff's allegations regarding Handbags concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b). Handbags are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.
61. Plaintiff is informed, believes, and thereon alleges that between January 18, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Handbags, which Defendants manufactured, distributed, or sold

1 as mentioned above, to DEHP, without first providing any type of clear and reasonable  
2 warning of such to the exposed persons before the time of exposure. Defendants have  
3 distributed and sold Handbags in California. Defendants know and intend that California  
4 consumers will use Handbags, thereby exposing them to DEHP. Defendants thereby  
5 violated Proposition 65.

6 62. The principal routes of exposure are through dermal contact and ingestion. Persons  
7 sustain exposures by using, handling, or carrying Handbags without wearing gloves or  
8 any or by touching bare skin or mucous membranes with or without gloves after handling  
9 Handbags, as well as through direct and indirect hand to mouth contact, hand to mucous  
10 membrane, trans-dermal absorption, or breathing in particulate matter emanating from the  
11 Handbags during use, as well as through environmental mediums that carry the DEHP  
12 once contained within the Handbags.

13 63. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
14 Proposition 65 as to Handbags have been ongoing and continuous, as Defendants  
15 engaged and continue to engage in conduct which violates Health and Safety Code  
16 section 25249.6, including the manufacture, distribution, promotion, and sale of  
17 Handbags, so that a separate and distinct violation of Proposition 65 occurred each and  
18 every time a person was exposed to DEHP by Handbags as mentioned herein.

19 64. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
21 violations alleged herein will continue to occur into the future.

22 65. Based on the allegations herein, Defendants are liable for civil penalties of up to  
23 \$2,500.00 per day per individual exposure to DEHP from Handbags, pursuant to Health  
24 and Safety Code section 25249.7(b).

25 66. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
26 filing this Complaint.

**THIRD CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS PROCURE, and DOES 21-30 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

**Women's Footwear**

67. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 66 of this complaint as though fully set forth herein.
68. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Women's Decorated Plastic Sandals, including but not limited to "P&W New York"; "1 29380 13001 2"; "2938 Made in China", "babe @ 8 Made in China"; "dd's discounts 400182512726"; "40/250 MZS-885A" ("Sandals").
69. Sandals contain DBP.
70. Defendants knew or should have known that DBP has been identified by the State of California as a chemical known to cause reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DBP in Sandals within Plaintiff's notice of alleged violations further discussed above at Paragraph 30.
71. Plaintiff's allegations regarding Sandals concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b). Sandals are consumer products, and, as mentioned herein, exposures to DBP took place as a result of such normal and foreseeable use.
72. Plaintiff is informed, believes, and thereon alleges that between February 4, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Sandals, which Defendants manufactured, distributed, or sold as mentioned above, to DBP, without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have  
2 distributed and sold Sandals in California. Defendants know and intend that California  
3 consumers will use Sandals, thereby exposing them to DBP. Defendants thereby violated  
4 Proposition 65.

5 73. The principal routes of exposure are through dermal contact and ingestion. Persons  
6 sustain exposures by using, handling, or carrying Sandals without wearing gloves or any  
7 or by touching bare skin or mucous membranes with or without gloves after handling  
8 Sandals, as well as through direct and indirect hand to mouth contact, hand to mucous  
9 membrane, trans-dermal absorption, or breathing in particulate matter emanating from the  
10 Sandals during use, as well as through environmental mediums that carry the DBP once  
11 contained within the Sandals.

12 74. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
13 Proposition 65 as to Sandals have been ongoing and continuous, as Defendants engaged  
14 and continue to engage in conduct which violates Health and Safety Code section  
15 25249.6, including the manufacture, distribution, promotion, and sale of Sandals, so that  
16 a separate and distinct violation of Proposition 65 occurred each and every time a person  
17 was exposed to DBP by Sandals as mentioned herein.

18 75. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
19 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
20 violations alleged herein will continue to occur into the future.

21 76. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to DBP from Sandals, pursuant to Health and  
23 Safety Code section 25249.7(b).

24 77. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
25 filing this Complaint.

26 //

27 //



1 **FOURTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ENCHANTE,**  
3 **and DOES 31-40 for Violations of Proposition 65, The Safe Drinking Water and**  
4 **Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

5 **Office and School Supplies**

6 78. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 77 of this complaint as though fully set forth herein.

8 79. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Plastic Covered Notebooks, including but not limited  
10 to Pink Unicorn Notebook, "MANUFACTURED FOR AND DISTRIBUTED BY EAI  
11 NEW YORK, NY 10016;" "MADE IN CHINA;" "D1060 C6421;" "400181144393"  
12 ("Notebooks").

13 80. Notebooks contain DEHP.

14 81. Defendants knew or should have known that DEHP has been identified by the State of  
15 California as a chemical known to cause cancer and reproductive and developmental  
16 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants  
17 were also informed of the presence of DEHP in Notebooks within Plaintiff's notice of  
18 alleged violations further discussed above at Paragraph 31.

19 82. Plaintiff's allegations regarding Notebooks concerns "[c]onsumer products exposure[s],"  
20 which "is an exposure that results from a person's acquisition, purchase, storage,  
21 consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
22 that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b).  
23 Notebooks are consumer products, and, as mentioned herein, exposures to DEHP took  
24 place as a result of such normal and foreseeable use.

25 83. Plaintiff is informed, believes, and thereon alleges that between February 26, 2016 and  
26 the present, each of the Defendants knowingly and intentionally exposed California  
27 consumers and users of Notebooks, which Defendants manufactured, distributed, or sold  
28 as mentioned above, to DEHP, without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have  
2 distributed and sold Notebooks in California. Defendants know and intend that  
3 California consumers will use Notebooks, thereby exposing them to DEHP. Defendants  
4 thereby violated Proposition 65.

5 84. The principal routes of exposure are through dermal contact and ingestion. Persons  
6 sustain exposures by using, handling, or carrying Notebooks without wearing gloves or  
7 any or by touching bare skin or mucous membranes with or without gloves after handling  
8 Notebooks, as well as through direct and indirect hand to mouth contact, hand to mucous  
9 membrane, trans-dermal absorption, or breathing in particulate matter emanating from the  
10 Notebooks during use, as well as through environmental mediums that carry the DEHP  
11 once contained within the Notebooks.

12 85. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
13 Proposition 65 as to Notebooks have been ongoing and continuous, as Defendants  
14 engaged and continue to engage in conduct which violates Health and Safety Code  
15 section 25249.6, including the manufacture, distribution, promotion, and sale of  
16 Notebooks, so that a separate and distinct violation of Proposition 65 occurred each and  
17 every time a person was exposed to DEHP by Notebooks as mentioned herein.

18 86. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
19 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
20 violations alleged herein will continue to occur into the future.

21 87. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to DEHP from Notebooks, pursuant to Health  
23 and Safety Code section 25249.7(b).

24 88. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
25 filing this Complaint.

26 //

27 //

**FIFTH CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ABG, TRI COAST, and DOES 41-50 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

**Fitness Accessories**

89. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 88 of this complaint as though fully set forth herein.

90. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Plastic Weighted Jump Ropes, including but not limited to "JUICY SPORT;" "WEIGHTED JUMP ROPE;" "110'/279cm L;" "1/4LB. REMOVABLE WEIGHTS;" "JUICY COUTURE IS A TRADEMARK OF ABG JUICY COUTURE, LLC.;" "JUICYCOUTURE.COM;" "LICENSED TO TRI-COASTAL DESIGN GROUP, INC. WHARTON, NJ 07885.;" "MADE IN CHINA.;" "400186168011.;" "1 92040 27155 4;" ("Jump Ropes").

91. Jump Ropes contain DEHP.

92. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Jump Ropes within Plaintiff's notice of alleged violations further discussed above at Paragraph 32.

93. Plaintiff's allegations regarding Jump Ropes concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b). Jump Ropes are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.

1 94. Plaintiff is informed, believes, and thereon alleges that between March 28, 2016 and the  
2 present, each of the Defendants knowingly and intentionally exposed California  
3 consumers and users of Jump Ropes, which Defendants manufactured, distributed, or  
4 sold as mentioned above, to DEHP, without first providing any type of clear and  
5 reasonable warning of such to the exposed persons before the time of exposure.  
6 Defendants have distributed and sold Jump Ropes in California. Defendants know and  
7 intend that California consumers will use Jump Ropes, thereby exposing them to DEHP.  
8 Defendants thereby violated Proposition 65.

9 95. The principal routes of exposure are through dermal contact and ingestion. Persons  
10 sustain exposures by using, handling, or carrying Jump Ropes without wearing gloves or  
11 any or by touching bare skin or mucous membranes with or without gloves after handling  
12 Jump Ropes, as well as through direct and indirect hand to mouth contact, hand to  
13 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
14 from the Jump Ropes during use, as well as through environmental mediums that carry  
15 the DEHP once contained within the Jump Ropes.

16 96. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
17 Proposition 65 as to Jump Ropes have been ongoing and continuous, as Defendants  
18 engaged and continue to engage in conduct which violates Health and Safety Code  
19 section 25249.6, including the manufacture, distribution, promotion, and sale of Jump  
20 Ropes, so that a separate and distinct violation of Proposition 65 occurred each and every  
21 time a person was exposed to DEHP by Jump Ropes as mentioned herein.

22 97. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
23 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
24 violations alleged herein will continue to occur into the future.

25 98. Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to DEHP from Jump Ropes, pursuant to  
27 Health and Safety Code section 25249.7(b).

1 99. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
2 filing this Complaint.

3 **SIXTH CAUSE OF ACTION**

4 (By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS,  
5 ROSS PROCURE, and DOES 51-60 for Violations of Proposition 65, The Safe  
6 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§  
25249.5, *et seq.*))

7 **Beauty Accessories**

8 100. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
9 reference paragraphs 1 through 99 of this complaint as though fully set forth herein.

10 101. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
11 distributor, promoter, or retailer of Hair Rollers, including but not limited to "The  
12 beautylist self-holding rollers, Set of 9, 2 ½ big curls"; "400176901161"; "Made in  
13 China" ("Hair Rollers").

14 102. Hair Rollers contain DINP.

15 103. Defendants knew or should have known that DINP has been identified by the State of  
16 California as a chemical known to cause cancer and cancer and therefore was subject to  
17 Proposition 65 warning requirements. Defendants were also informed of the presence of  
18 DINP in Hair Rollers within Plaintiff's notice of alleged violations further discussed  
19 above at Paragraph 32.

20 104. Plaintiff's allegations regarding Hair Rollers concerns "[c]onsumer products  
21 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
23 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
24 25602(b). Hair Rollers are consumer products, and, as mentioned herein, exposures to  
25 DINP took place as a result of such normal and foreseeable use.

26 105. Plaintiff is informed, believes, and thereon alleges that between March 28, 2016 and the  
27 present, each of the Defendants knowingly and intentionally exposed California  
28

1 consumers and users of Hair Rollers, which Defendants manufactured, distributed, or  
2 sold as mentioned above, to DINP, without first providing any type of clear and  
3 reasonable warning of such to the exposed persons before the time of exposure.

4 Defendants have distributed and sold Hair Rollers in California. Defendants know and  
5 intend that California consumers will use Hair Rollers, thereby exposing them to DINP.  
6 Defendants thereby violated Proposition 65.

7 106. The principal routes of exposure are through dermal contact and ingestion. Persons  
8 sustain exposures by using, handling, or carrying Hair Rollers without wearing gloves or  
9 any or by touching bare skin or mucous membranes with or without gloves after handling  
10 Hair Rollers, as well as through direct and indirect hand to mouth contact, hand to  
11 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
12 from the Hair Rollers during use, as well as through environmental mediums that carry  
13 the DINP once contained within the Hair Rollers.

14 107. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
15 Proposition 65 as to Hair Rollers have been ongoing and continuous, as Defendants  
16 engaged and continue to engage in conduct which violates Health and Safety Code  
17 section 25249.6, including the manufacture, distribution, promotion, and sale of Hair  
18 Rollers, so that a separate and distinct violation of Proposition 65 occurred each and  
19 every time a person was exposed to DINP by Hair Rollers as mentioned herein.

20 108. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
22 violations alleged herein will continue to occur into the future.

23 109. Based on the allegations herein, Defendants are liable for civil penalties of up to  
24 \$2,500.00 per day per individual exposure to DINP from Hair Rollers, pursuant to  
25 Health and Safety Code section 25249.7(b).

26 110. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
27 filing this Complaint.

**SEVENTH CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS, ROSS PROCURE, and DOES 61-70 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

**Home Décor and Organization Accessories**

111. Plaintiff CONSUMER ADVOCACY-GROUP, INC. repeats and incorporates by reference paragraphs 1 through 110 of this complaint as though fully set forth herein.
112. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Silver Multi-Purpose Storage Boxes with Polymer Exteriors, including but not limited to Rectangular silver mutli-purpose box with hinged lid. With translucent inlay decoration. "Fuzhou Rirong Import & Export Co. Ltd."; "400183906777"; "Made in China" ("Multi-Purpose Boxes").
113. Multi-Purpose Boxes contain DEHP.
114. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Multi-Purpose Boxes within Plaintiff's notice of alleged violations further discussed above at Paragraph 34.
115. Plaintiff's allegations regarding Multi-Purpose Boxes concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*. Multi-Purpose Boxes are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.
116. Plaintiff is informed, believes, and thereon alleges that between April 5, 2016 and the present, each of the Defendants knowingly and intentionally exposed California

1 consumers and users of Multi-Purpose Boxes, which Defendants manufactured,  
2 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
3 clear and reasonable warning of such to the exposed persons before the time of exposure.  
4 Defendants have distributed and sold Multi-Purpose Boxes in California. Defendants  
5 know and intend that California consumers will use Multi-Purpose Boxes, thereby  
6 exposing them to DEHP. Defendants thereby violated Proposition 65.

7 117. The principal routes of exposure are through dermal contact and ingestion.  
8 Persons sustain exposures by using, handling, or carrying Multi-Purpose Boxes without  
9 wearing gloves or any or by touching bare skin or mucous membranes with or without  
10 gloves after handling Multi-Purpose Boxes, as well as through direct and indirect hand to  
11 mouth contact, hand to mucous membrane, trans-dermal absorption, or breathing in  
12 particulate matter emanating from the Multi-Purpose Boxes during use, as well as  
13 through environmental mediums that carry the DEHP once contained within the Multi-  
14 Purpose Boxes.

15 118. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
16 violations of Proposition 65 as to Multi-Purpose Boxes have been ongoing and  
17 continuous, as Defendants engaged and continue to engage in conduct which violates  
18 Health and Safety Code section 25249.6, including the manufacture, distribution,  
19 promotion, and sale of Multi-Purpose Boxes, so that a separate and distinct violation of  
20 Proposition 65 occurred each and every time a person was exposed to DEHP by Multi-  
21 Purpose Boxes as mentioned herein.

22 119. Plaintiff is informed, believes, and thereon alleges that each violation of  
23 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
24 that the violations alleged herein will continue to occur into the future.

25 120. Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to DEHP from Multi-Purpose Boxes, pursuant  
27 to Health and Safety Code section 25249.7(b).



121. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

**EIGHTH CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS, ROSS PROCURE, and DOES 71-80 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

**Auto Accessories**

122. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 121 of this complaint as though fully set forth herein.

123. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Steering Wheel Covers, including but not limited to "IMPACT;" "Steering Wheel Cover;" "Made In China;" "dd's DISCOUNTS;" "D5171 C4195;" "400183007375" ("Steering Wheel Covers").

124. Steering Wheel Covers contain DEHP.

125. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Steering Wheel Covers within Plaintiff's notice of alleged violations further discussed above at Paragraph 35.

126. Plaintiff's allegations regarding Steering Wheel Covers concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*. Steering Wheel Covers are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.

1 127. Plaintiff is informed, believes, and thereon alleges that between April 5, 2016 and  
2 the present, each of the Defendants knowingly and intentionally exposed California  
3 consumers and users of Steering Wheel Covers, which Defendants manufactured,  
4 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
5 clear and reasonable warning of such to the exposed persons before the time of exposure.  
6 Defendants have distributed and sold Steering Wheel Covers in California. Defendants  
7 know and intend that California consumers will use Steering Wheel Covers, thereby  
8 exposing them to DEHP. Defendants thereby violated Proposition 65.

9 128. The principal routes of exposure are through dermal contact and ingestion.  
10 Persons sustain exposures by using, handling, or carrying Steering Wheel Covers without  
11 wearing gloves or any or by touching bare skin or mucous membranes with or without  
12 gloves after handling Steering Wheel Covers, as well as through direct and indirect hand  
13 to mouth contact, hand to mucous membrane, trans-dermal absorption, or breathing in  
14 particulate matter emanating from the Steering Wheel Covers during use, as well as  
15 through environmental mediums that carry the DEHP once contained within the Steering  
16 Wheel Covers.

17 129. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
18 violations of Proposition 65 as to Steering Wheel Covers have been ongoing and  
19 continuous, as Defendants engaged and continue to engage in conduct which violates  
20 Health and Safety Code section 25249.6, including the manufacture, distribution,  
21 promotion, and sale of Steering Wheel Covers, so that a separate and distinct violation of  
22 Proposition 65 occurred each and every time a person was exposed to DEHP by Steering  
23 Wheel Covers as mentioned herein.

24 130. Plaintiff is informed, believes, and thereon alleges that each violation of  
25 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
26 that the violations alleged herein will continue to occur into the future.  
27  
28

131. Based on the allegations herein, Defendants are liable for civil penalties of up to \$2,500.00 per day per individual exposure to DEHP from Steering Wheel Covers, pursuant to Health and Safety Code section 25249.7(b).

132. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

#### **NINTH CAUSE OF ACTION**

**(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS, ROSS PROCURE, and DOES 81-90 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

#### **Fashion Accessories**

133. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 132 of this complaint as though fully set forth herein.

134. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Wallets, including but not limited to "Justin&Taylor," "CWW-1214-PINK;" "dd's DISCOUNTS;" "D5301 C1995;" "MADE IN CHINA;" "400181635778" ("Wallets").

135. Wallets contain DEHP.

136. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Wallets within Plaintiff's notice of alleged violations further discussed above at Paragraph 36.

137. Plaintiff's allegations regarding Wallets concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*

1 25602(b). Wallets are consumer products, and, as mentioned herein, exposures to DEHP  
2 took place as a result of such normal and foreseeable use.

3 138. Plaintiff is informed, believes, and thereon alleges that between April 5, 2016 and  
4 the present, each of the Defendants knowingly and intentionally exposed California  
5 consumers and users of Wallets, which Defendants manufactured, distributed, or sold as  
6 mentioned above, to DEHP, without first providing any type of clear and reasonable  
7 warning of such to the exposed persons before the time of exposure. Defendants have  
8 distributed and sold Wallets in California. Defendants know and intend that California  
9 consumers will use Wallets, thereby exposing them to DEHP. Defendants thereby  
10 violated Proposition 65.

11 139. The principal routes of exposure are through dermal contact and ingestion.  
12 Persons sustain exposures by using, handling, or carrying Wallets without wearing gloves  
13 or any or by touching bare skin or mucous membranes with or without gloves after  
14 handling Wallets, as well as through direct and indirect hand to mouth contact, hand to  
15 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating  
16 from the Wallets during use, as well as through environmental mediums that carry the  
17 DEHP once contained within the Wallets.

18 140. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
19 violations of Proposition 65 as to Wallets have been ongoing and continuous, as  
20 Defendants engaged and continue to engage in conduct which violates Health and Safety  
21 Code section 25249.6, including the manufacture, distribution, promotion, and sale of  
22 Wallets, so that a separate and distinct violation of Proposition 65 occurred each and  
23 every time a person was exposed to DEHP by Wallets as mentioned herein.

24 141. Plaintiff is informed, believes, and thereon alleges that each violation of  
25 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
26 that the violations alleged herein will continue to occur into the future.

1 142. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to DEHP from Wallets, pursuant to Health and  
3 Safety Code section 25249.7(b).

4 143. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
5 prior to filing this Complaint.

6 **TENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS and DOES 91-  
8 100 for Violations of Proposition 65, The Safe Drinking Water and Toxic  
9 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

10 **Auto Accessories**

11 144. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
12 reference paragraphs 1 through 143 of this complaint as though fully set forth herein.

13 145. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
14 distributor, promoter, or retailer of Plastic Booster Cables, including but not limited to  
15 "CAR AND DRIVER APPROVED SELECTION;" "12 FOOT BOOSTER CABLES;"  
16 "125 AMP;" "8-GAUGE CABLES;" "CAR and DRIVER® is a registered trademark of  
17 Hearst Communications, Inc. and used under License by Argento SC.;" "Distributed by:  
18 Argento SC®, New York, Ny 100v18;" "www.argentosc.com;" "JC001-BKA;" "8 46816  
19 03706 5" ("Booster Cables").

20 146. Booster Cables contain DEHP.

21 147. Defendants knew or should have known that DEHP has been identified by the  
22 State of California as a chemical known to cause cancer and reproductive and  
23 developmental toxicity and therefore was subject to Proposition 65 warning  
24 requirements. Defendants were also informed of the presence of DEHP in Booster  
25 Cables within Plaintiff's notice of alleged violations further discussed above at Paragraph  
26 37.  
27  
28

1 148. Plaintiff's allegations regarding Booster Cables concerns "[c]onsumer products  
2 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,  
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
4 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §  
5 25602(b). Booster Cables are consumer products, and, as mentioned herein, exposures to  
6 DEHP took place as a result of such normal and foreseeable use.

7 149. Plaintiff is informed, believes, and thereon alleges that between April 12, 2016  
8 and the present, each of the Defendants knowingly and intentionally exposed California  
9 consumers and users of Booster Cables, which Defendants manufactured, distributed, or  
10 sold as mentioned above, to DEHP, without first providing any type of clear and  
11 reasonable warning of such to the exposed persons before the time of exposure.  
12 Defendants have distributed and sold Booster Cables in California. Defendants know and  
13 intend that California consumers will use Booster Cables, thereby exposing them to  
14 DEHP. Defendants thereby violated Proposition 65.

15 150. The principal routes of exposure are through dermal contact and ingestion.  
16 Persons sustain exposures by using, handling, or carrying Booster Cables without  
17 wearing gloves or any or by touching bare skin or mucous membranes with or without  
18 gloves after handling Booster Cables, as well as through direct and indirect hand to  
19 mouth contact, hand to mucous membrane, trans-dermal absorption, or breathing in  
20 particulate matter emanating from the Booster Cables during use, as well as through  
21 environmental mediums that carry the DEHP once contained within the Booster Cables.

22 151. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
23 violations of Proposition 65 as to Booster Cables have been ongoing and continuous, as  
24 Defendants engaged and continue to engage in conduct which violates Health and Safety  
25 Code section 25249.6, including the manufacture, distribution, promotion, and sale of  
26 Booster Cables, so that a separate and distinct violation of Proposition 65 occurred each  
27 and every time a person was exposed to DEHP by Booster-Cables as mentioned herein.

1 152. Plaintiff is informed, believes, and thereon alleges that each violation of  
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
3 that the violations alleged herein will continue to occur into the future.

4 153. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to DEHP from Booster Cables, pursuant to  
6 Health and Safety Code section 25249.7(b).

7 154. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
8 prior to filing this Complaint.

9 **ELEVENTH CAUSE OF ACTION**

10 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, ROSS DRESS,**  
11 **ROSS PROCURE and DOES 101-110 for Violations of Proposition 65, The Safe**  
12 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§**  
13 **25249.5, *et seq.*))**

14 **Women's Accessories**

15 155. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
16 reference paragraphs 1 through 154 of this complaint as though fully set forth herein.

17 156. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
18 distributor, promoter, or retailer of Clear Crossbody Bags, including but not limited to  
19 Clear Handbag with black leather edging and gold circular handles; "Becool"; "7224-1  
20 Black"; "7224000001"; "SKU 400188279159"; "Made in China" ("Crossbody Bags").

21 157. Crossbody Bags contain DEHP.

22 158. Defendants knew or should have known that DEHP has been identified by the  
23 State of California as a chemical known to cause cancer and reproductive and  
24 developmental toxicity and therefore was subject to Proposition 65 warning  
25 requirements. Defendants were also informed of the presence of DEHP in Crossbody  
26 Bags within Plaintiff's notice of alleged violations further discussed above at Paragraph  
27 38.  
28

159. Plaintiff's allegations regarding Crossbody Bags concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*. Crossbody Bags are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.

160. Plaintiff is informed, believes, and thereon alleges that between April 12, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Crossbody Bags, which Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Crossbody Bags in California. Defendants know and intend that California consumers will use Crossbody Bags, thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

161. The principal routes of exposure are through dermal contact and ingestion. Persons sustain exposures by using, handling, or carrying Crossbody Bags without wearing gloves or any or by touching bare skin or mucous membranes with or without gloves after handling Crossbody Bags, as well as through direct and indirect hand to mouth contact, hand to mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating from the Crossbody Bags during use, as well as through environmental mediums that carry the DEHP once contained within the Crossbody Bags.

162. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Crossbody Bags have been ongoing and continuous, as Defendants engaged and continue to engage in conduct which violates Health and Safety Code section 25249.6, including the manufacture, distribution, promotion, and sale of Crossbody Bags, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to DEHP by Crossbody Bags as mentioned herein.



1 163. Plaintiff is informed, believes, and thereon alleges that each violation of  
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
3 that the violations alleged herein will continue to occur into the future.

4 164. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to DEHP from Crossbody Bags, pursuant to  
6 Health and Safety Code section 25249.7(b).

7 165. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
8 prior to filing this Complaint.

9 **TWELFTH CAUSE OF ACTION**

10 (By CONSUMER ADVOCACY GROUP, INC. and against ROSS DRESS, MANN,  
11 and DOES 111-120 for Violations of Proposition 65, The Safe Drinking Water and  
12 Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))

13 **Auto Accessories**

14 166. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
15 reference paragraphs 1 through 165 of this complaint as though fully set forth herein.

16 167. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
17 distributor, promoter, or retailer of Steering Wheel Covers, including but not limited to:  
18 (1) Beige Steering Wheel Cover "Wolverine®"; "BPA FREE, ODOR FREE"; "Universal  
19 Steering Wheel Cover"; Fits most cars with steering wheels 14.5 – 15.5 inches diameter";  
20 Manufactured by Imperial under license from wolverine"; "Made in China RN18731";  
21 "400178679419"; (2) Purple Grey Steering Wheel Cover "Wolverine®"; "BPA FREE,  
22 ODOR FREE"; "Universal Steering Wheel Cover"; Fits most cars with steering wheels  
23 14.5 – 15.5 inches diameter"; Manufactured by Imperial under license from wolverine";  
24 "Made in China RN18731"; "400186638552"; and (3) Brown Black Steering Wheel  
25 Cover "Wolverine®"; "BPA FREE, ODOR FREE"; "Universal Steering Wheel Cover";  
26 Fits most cars with steering wheels 14.5 – 15.5 inches diameter"; Manufactured by  
27  
28

Imperial under license from wolverine”; “Made in China RN18731”; “400178678887” (“Steering Wheel Covers”).

168. Steering Wheel Covers contain DEHP.

169. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer and reproductive and developmental toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Steering Wheel Covers within Plaintiff's notice of alleged violations further discussed above at Paragraph 39.

170. Plaintiff's allegations regarding Steering Wheel Covers concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Steering Wheel Covers are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable use.

171. Plaintiff is informed, believes, and thereon alleges that between April 22, 2016 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Steering Wheel Covers, which Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Steering Wheel Covers in California. Defendants know and intend that California consumers will use Steering Wheel Covers, thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

172. The principal routes of exposure are through dermal contact and ingestion. Persons sustain exposures by using, handling, or carrying Steering Wheel Covers without wearing gloves or any or by touching bare skin or mucous membranes with or without gloves after handling Steering Wheel Covers, as well as through direct and indirect hand

1 to mouth contact, hand to mucous membrane, trans-dermal absorption, or breathing in  
2 particulate matter emanating from the Steering Wheel-Covers during use, as well as  
3 through environmental mediums that carry the DEHP once contained within the Steering  
4 Wheel Covers.

5 173. Plaintiff is informed, believes, and thereon alleges that each of Defendants'  
6 violations of Proposition 65 as to Steering Wheel Covers have been ongoing and  
7 continuous, as Defendants engaged and continue to engage in conduct which violates  
8 Health and Safety Code section 25249.6, including the manufacture, distribution,  
9 promotion, and sale of Steering Wheel Covers, so that a separate and distinct violation of  
10 Proposition 65 occurred each and every time a person was exposed to DEHP by Steering  
11 Wheel Covers as mentioned herein.

12 174. Plaintiff is informed, believes, and thereon alleges that each violation of  
13 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes  
14 that the violations alleged herein will continue to occur into the future.

15 175. Based on the allegations herein, Defendants are liable for civil penalties of up to  
16 \$2,500.00 per day per individual exposure to DEHP from Steering Wheel Covers,  
17 pursuant to Health and Safety Code section 25249.7(b).

18 176. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein  
19 prior to filing this Complaint.

20 **PRAYER FOR RELIEF**

21 Plaintiff demands against each of the Defendants as follows:

- 22 1. A permanent injunction mandating Proposition 65-compliant warnings;  
23 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);  
24 3. Costs of suit;  
25 4. Reasonable attorney fees and costs; and  
26 5. Any further relief that the court may deem just and equitable.

1 Dated: 7/23, 2019

YEROUSHALMI & YEROUSHALMI

2  
3  
4 BY:

Reuben Yeroushalmi  
Attorneys for Plaintiff,  
Consumer Advocacy Group, Inc.